

NLRB-12

System name: Prefiling Communications.

Security classification:

None.

System location:

Records are authorized to be maintained in all Field Offices of the Agency, at the address listed in the attached appendix, and Office of the General Counsel, NLRB, 1717 Pennsylvania Avenue, NW, Washington, DC 20570.

Categories of individuals covered by the system:

Persons who have sought assistance regarding possible institution of an unfair labor practice, representation, or other civil action or proceeding before the National Labor Relations Board.

Categories of records in the system:

Records may include file memoranda detailing the substance of oral communications; letters of inquiry and responses thereto; information relating to an individual's employment history, job performance, earnings, home address, telephone number, union activity; or other information relevant to a potential action or proceeding before the National Labor Relations Board.

Authority for maintenance of the system:

29 U.S.C. 158-169.

Purpose(s):

These records document the processing of preliminary inquiries regarding potential unfair labor practices, representation, or other civil action or proceeding before the NLRB, or representation case issues.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records, or information therefrom, are disclosed to:

1. Agency officials and employees who have a need for the records or information in the processing of cases before the Agency.

2. The appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting a violation or charged with enforcing or implementing a statute, rule, regulation, or order issued pursuant thereto, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature.
3. A congressional office in response to an inquiry from the congressional office made a request of the subject individual.
4. The Department of Justice for use in litigation when either (a) the Agency or any component thereof, (b) any employee or Agency in his or her official capacity, (c) any employee of the Agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States where the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the Agency to be relevant and necessary to the litigation, provided that in each case the Agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.
5. A court or other adjudicative body before which the Agency is authorized to appear, when either (a) the Agency or any component thereof, (b) any employee of the Agency in his or her official capacity, (c) any employee of the Agency in his or her individual capacity, where the Agency has agreed to represent the employee, or (d) the United States where the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the Agency determines that disclosure of the records to a court or other adjudicative body is compatible with the purpose for which the records were collected.

Disclosure to consumer reporting agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on paper in file folders.

Retrievability:

Alphabetically by name.

Safeguards:

Maintained in file cabinets in the nonpublic area of the office under the immediate control of the System Manager. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal:

In the event a civil action or proceeding is instituted prior to the record being destroyed, the record is placed in the case file which is not indexed by the name of the individual. In the event no action or proceeding is instituted, the records are destroyed when 1 year old. System manager(s) and address:

General Counsel, NLRB, 1717 Pennsylvania Avenue NW, Washington, DC 20570.

Notification procedure:

An individual may inquire as to whether this system contains a record pertaining to him or her by directing a request to the appropriate System Manager in accordance with the procedures set forth in 29 CFR 102.117(e).

Record access procedures:

An individual seeking to gain access to records in this system pertaining to him or her should contact the appropriate System Manager in accordance with the procedures set forth in 29 CFR 102.117(f).

Contesting record procedures:

An individual may request amendment of a record pertaining to such individual maintained in this system by directing a request to the appropriate System Manager in accordance with the procedures set forth in 29 CFR 102.117(h).

Record source categories:

Individual who seeks assistance.